

**UNITED STATES DISTRICT COURT**  
for the  
**SOUTHERN District of OHIO**

United States of America

v.

GERALD HENDRIX,

Date of Previous Judgment: 12/16/03

(Use Date of Last Amended Judgment if Applicable)

)

)

) Case No: 1:02cr10

) USM No: 03511-061

) Clyde Bennett

) Defendant's Attorney

**Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)**

Upon motion of  the defendant  the Director of the Bureau of Prisons  the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion,

**IT IS ORDERED** that the motion is:

DENIED.  GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of \_\_\_\_\_ months **is reduced to** \_\_\_\_\_.

**I. COURT DETERMINATION OF GUIDELINE RANGE** (Prior to Any Departures)

Previous Offense Level: \_\_\_\_\_

Amended Offense Level: \_\_\_\_\_

Criminal History Category: \_\_\_\_\_

Criminal History Category: \_\_\_\_\_

Previous Guideline Range: \_\_\_\_\_ to \_\_\_\_\_ months

Amended Guideline Range: \_\_\_\_\_ to \_\_\_\_\_ months

**II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE**

- The reduced sentence is within the amended guideline range.
- The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.
- Other (explain): \_\_\_\_\_

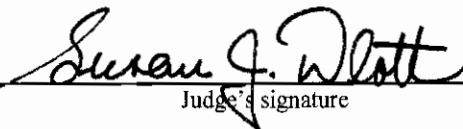
**III. ADDITIONAL COMMENTS**

Please see attached page

Except as provided above, all provisions of the judgment dated 12/16/03 shall remain in effect.

**IT IS SO ORDERED.**

Order Date: August 20, 2008



Judge's signature

Effective Date: \_\_\_\_\_  
(if different from order date)

Susan J. Dlott, United States District Judge

Printed name and title

UNITED STATES DISTRICT COURT  
FOR THE  
SOUTHERN DISTRICT OF OHIO

UNITED STATES OF AMERICA, : 1:02cr10  
: Judge Susan J. Dlott  
:   
V. :  
:   
:

GERALD HENDRIX,

Continuation of AO 247

III Additional Comments

The defendant is not eligible for consideration for a reduction in sentencing because he was a career offender, which results in an increased penalty based on his prior criminal record, pursuant to USSG § 4B1.1, and is independent of the calculation of the quantity of crack cocaine in the Drug Quantity Table. As a result, the amount of crack cocaine did not determine the length of the sentence in this case.